

INSTRUCTIONS FOR PREPARATION OF CJA FORM 30 IN APPEALS OF FEDERAL CAPITAL CONVICTIONS

FILING INSTRUCTIONS. The Criminal Justice Act requires that separate CJA 30 vouchers be filed for work done in connection with the appeal and for work done in connection with any petition for writ of certiorari. Two CJA 30 Forms are enclosed, one for the appeal and one for use if a petition for writ of certiorari is filed. Both vouchers must be filed within 60 days of entry of judgment, denial of a petition for rehearing, or the grant or denial of a petition for certiorari, whichever is later. Counsel may request an additional voucher for other proceedings such as clemency applications. The voucher must be filed within 60 days of conclusion of the clemency proceedings.

Submit your CJA 30 voucher to the attention of Patty Layne, Clerk's Office, 1100 East Main Street, Suite 501, Richmond, Virginia 23219-3517. The voucher must be accompanied by time and expense worksheets, receipts, and other documentation as set forth below. Counsel must retain a copy of the same documentation for three years for audit purposes. Any questions regarding compensation, reimbursable expenses, or preparation of vouchers should be directed to Patty Layne in the Clerk's Office, (804) 916-2727.

A line-by line explanation of CJA Form 30 and required supporting documentation follows:

ITEMS 1-12. The Clerk's Office has completed this information on the form; however, you should check that the information in Item 11 is correct. The compensation check is mailed from the Disbursing Office at the Administrative Office in Washington, DC to the address shown on the voucher. If the address is incorrect, the check will not be forwarded by the post office to another address.

ITEM 13--Law Firm Name, Address & TIN if Earnings Belong to Firm. Complete Item 13 ONLY if you have a pre-existing agreement with a law firm or corporation (including a professional corporation) that CJA earnings belong to the law firm or corporation, rather than to you. If you have such an agreement, you must provide the court with the law firm or corporation's Taxpayer Identification Number (TIN) and their name and address. This information will allow the earnings to be reported to the Internal Revenue Service on a 1099 statement as earnings of the law firm or corporation rather than as your earnings.

ITEM 14--Stage of Proceeding. Check the box that corresponds to the stage of proceedings for the services claimed in Item 15, even if you anticipate that the work will be used in connection with a later stage of proceeding. Submit a separate voucher for each stage of the proceedings.

ITEM 15--Claim for Services. On the applicable lines enter the actual time spent in hours and tenths of hours, multiply the total number of hours spent (in-court and out-of-court) by your hourly rate, and enter the total amounts claimed. Claims for compensation must be supported with an itemized statement of the time spent on the appeal. The itemized statement must show a

brief description of the services rendered broken down into 15(a) in-court hearings; 15(b) interviews and conferences with client, 15(c) witness interviews, 15(d) consultation with investigators & experts, 15(e) obtaining and reviewing the court record, 15(f) obtaining and reviewing documents and other evidence, 15(g) consulting with expert counsel, 15(h) legal research and writing, 15(i) travel, and 15(j) other (please attach description of service), and the amount of time spent in hours and tenths of hours, charged on each separate date. Unless appointed in accordance with the Criminal Justice Act or acting with prior authorization of the Court, co-counsel or associate attorneys may not be compensated directly or indirectly under the Act. Appointed counsel may seek prior Court authorization to use the services of attorneys who work in association with appointed counsel, provided that the employment of such additional counsel (at a reduced hourly rate) diminishes the total cost of representation or is required to meet time limits. Once such authorization has been obtained, and associated counsel has entered an appearance in the case, court-appointed counsel may include the associated attorney's time on court-appointed counsel's voucher, separately identifying the provider of each service. Use of the worksheet that was issued to you with your order of appointment facilitates the Court's review of your request for compensation and reimbursement of expenses. If compensation is requested for time spent in preparation of a petition for writ of certiorari, a copy of the petition must be attached to the voucher. If compensation is requested for time spent in connection with clemency proceedings, a copy of the clemency application must be attached.

Although CJA hourly rates range from \$90 to \$125 per hour for in-court and out-of-court time and compensation maximums do not apply to federal capital prosecutions or federal habeas corpus proceedings due to the complex, demanding and protracted nature of the case, you will be compensated at a rate and in an amount determined exclusively by the Court. In order for the Court to review the amounts claimed for both reasonableness and compliance with the Court's Plan in Implementation of the Criminal Justice Act, we ask that you prepare a memorandum supporting and justifying your claim.

ITEM 16--Travel Expenses. Expenses for travel (e.g., transportation, lodging, meals, car rental, parking, tolls, etc.) must be itemized on an expense worksheet, indicating the date and the expense incurred, and the total for all travel expenses entered at Item 16. **DETAILED RECEIPTS ARE REQUIRED FOR ALL TRAVEL EXPENSES.** The CJA Guidelines prohibit the Court from reimbursing counsel for alcoholic beverages, safe deposit boxes, in-room movies, or for lodging and/or expenses for anyone other than court-appointed counsel. In order for the Court to comply with the prescribed limits, we require hotel and restaurant bills rather than credit card receipts. If you did not make your plane or train reservations through the National Travel Service, you must include a statement that the ticket you purchased cost less than the government rate you could have obtained through NTS. Otherwise, reimbursement will be limited to the rate you could have obtained through NTS. Automobile travel will be reimbursed at a rate of 34.5 cents per mile for travel after 1/22/01, 36.5 cents per mile for travel after 1/20/02, 36 cents per mile for travel on or after 1/1/03, and 37.5 cents per mile for travel on or after 1/1/04. An itemized statement containing the date of travel, destination, number of miles and rate per mile must be submitted to document this expense.

ITEM 17--Other Expenses. All other reimbursable expenses must also be itemized on the expense worksheet, indicating the date and expense incurred, and the total for all other expenses must be entered at Item 17. FOR EXPENSES OTHER THAN THOSE RELATED TO TRAVEL, RECEIPTS ARE REQUIRED FOR ANY EXPENSE EXCEEDING \$50.

Photocopying. Copying services performed in your office will be reimbursed as out-of-pocket expense, not to exceed \$.15 per copy and must be supported with an itemized statement containing the date, number of copies and cost per page. For photocopying and other services in preparation of briefs and appendices by commercial printers, reimbursement shall not exceed \$.35 per copy. If a commercial printer prepared the briefs and appendix and printing costs exceeded \$100, separate application may be made on a CJA Form 31 for direct payment to the printer for the costs incurred. If commercial printing costs of less than \$100 were incurred, you must attach the printer's invoice to the CJA Form 30 voucher. Petitions for rehearing should have been copied in-house as the Court does not reimburse commercial printers for such costs. Commercial copying costs for petitions for writs of certiorari may not exceed \$300 without advance permission of the Court of Appeals.

Computer Assisted Legal Research. Claims for reimbursement of charges for computer assisted legal research equipment must be supported with the following:

- 1) a brief statement setting forth the issue or issues that were the subject matter of the research;
- 2) an estimate of the number of hours of attorney-time that would have been required to do the research manually; and
- 3) a copy of the bill and receipt for the use of the equipment, and an explanation of the precise basis of the charge (e.g., indicating the extent to which it was derived by proration of monthly charges, or by charges identifiable to the specific research).

Qualified Law Student or Law Clerk. Claims for reimbursement of charges for legal research performed by a qualified law student or law clerk must be supported with a brief statement setting forth the issue or issues that were the subject matter of the research and the hourly rate claimed for such qualified law student or law clerk.

Long Distance Telephone Calls and Facsimile Charges. An itemized statement containing the date and cost of each long distance call or fax charge must be attached to the voucher. If the amount exceeds \$50, a copy of the bill must also be attached. Any other charge associated with use of counsel's phone or fax equipment is considered non-reimbursable office overhead.

Miscellaneous Other Expenses. Postage, courier services, etc. must be supported by an itemized statement containing the date, brief description of the service rendered and why, as well as the cost of each individual service. If the expense exceeds \$50, a detailed receipt must also be attached. Counsel may also claim reimbursement for the expenses of successfully defending malpractice claims arising out of representational services, not to exceed the deductible amount of counsel's professional liability insurance policy or \$5,000, whichever is less.

GRAND TOTALS. Enter the grand total claimed by adding in-court compensation, out-of-court compensation, travel expenses, and other expenses.

ITEM 18--Dates of Service. You must certify the dates your representation began and ended.

ITEM 19--Appointment Termination Date. If your appointment was discontinued by order of the court, give the effective date for termination of appointment.

ITEM 20--Case Disposition. Enter one of the following case disposition codes: A for Affirmed; R for Reversed; 0 for Remanded; RA for Reversed in Part/Affirmed in Part; AR for Affirmed in Part/Reversed in Part; 1 for Dismissed.

ITEM 21--Claim Status. Indicate by checking the appropriate box whether the voucher is (1) the final payment for services, (2) an interim payment, or (3) a supplemental payment (for work done in preparation of a certiorari petition). If an interim payment, indicate the interim payment number. Complete the remaining portion of Item 21 and sign and date the affirmation statement.

ITEMS 23-34a. These items will be completed by the Court after submission of the voucher. Every claim for compensation for services rendered and/or reimbursement for expenses incurred must be reviewed for both reasonableness and compliance with the CJA.

RECORDS. For audit purposes, the CJA requires counsel to retain time and expense records for three years after approval of the voucher.

PUBLIC DISCLOSURE. CJA 30 vouchers filed by counsel are subject to public disclosure unless disclosure should be limited based upon: (1) protection of any person's Fifth Amendment right against self-incrimination; (2) protection of the defendant's Sixth Amendment right to effective assistance of counsel; (3) the defendant's attorney-client privilege; (4) the work-product privilege of defendant's counsel; (5) the safety of any person; or (6) any other interest that justice may require. If counsel wishes to request redaction or non-disclosure of any portion of the voucher based upon one of these interests, counsel should seek such relief by motion at the time the voucher is filed. Absent such a motion, the voucher will be made available to the public upon request.